

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

21-md-3010 (PKC)

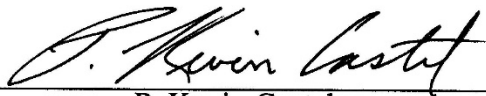
ORDER RELATING
TO INDIVIDUAL
PUBLISHER ACTIONS

The Court is pleased to welcome Mr. Farrell as counsel in this action. In his letter of February 28, 2023 (ECF 480-1), he asks the Court to “direct the parties to further meet and confer regarding a separate track for Newspaper Plaintiff discovery responses and report back in short order.” The Court declines to do so.

The fact that individual publishers who have elected to bring their own actions parallel to the Publisher Class Action are represented by the same law firm, alone and in combination with the other considerations cited by Mr. Farrell, does not justify “a separate track for discovery” Some form or variation on bellwether discovery of a few individual publisher plaintiffs with fact sheets submitted by all others is, the Court submits, an unworkable solution in the context of these Sherman Act claims. Section 1 and 2 claims brought by a business entity asserting injury as a result of a wide array of anticompetitive measures is quite different in complexity from individual personal-injury claims in a mass tort action. The responses from each individual publisher plaintiff logically can be expected to vary greatly.

Application DENIED without prejudice to the Court’s consideration of other measures aimed at efficiencies as discovery pursuant to PTO-5 progresses.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 22, 2023